



"When we try to pick out anything by itself,  
we find it hitched to everything else in the universe."

*John Muir*

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July 31, 1996

Richard A. Guida  
Associate Director for Regulatory Affairs  
Naval Nuclear Propulsion Program  
2531 Jefferson Davis Highway  
Arlington, Va. 22242-5160

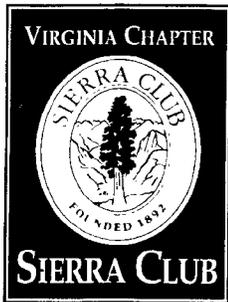
Dear Mr. Guida:

A Thank you for your letter of 24 July concerning our comments on the Navy's Draft Environmental Impact Statement (EIS) on a Container system for naval spent nuclear fuel (SNF). You responded to our comment on storage and shipments of naval SNF from shipyards (removing the SNF from warships) until the SNF reaches INEL in Idaho. Our comment on this point seems to have been misunderstood; therefore, we request that the following further explanation on this point be included and evaluated in the Final EIS.

The 1995 DOE/Navy Programmatic EIS on Spent Nuclear Fuel Management is a programmatic EIS evaluating broad alternative strategies for managing DOE and Navy SNF. That programmatic EIS does not remove the need for EIS analysis of specific hardware or site-specific alternatives within the context of the broad management strategy adopted in 1995. The Navy decision now to be made on the possibility of a new multi-purpose container (MPC) system is just such a case.

The Navy is correctly preparing the EIS because of the environmental implications of the choice of container systems. Surely, the Navy must not omit from its analysis the potential good use of a new MPC container system for SNF shipments from shipyards to INEL in Idaho. Such an omission would be a grievous flaw in the container system EIS analysis.

We are not urging that the role of INEL or the shipyards in naval SNF management be reanalyzed. We are merely insisting that the full scope of potential use of these container systems be analyzed, which includes SNF storage and transport from the shipyards to INEL in Idaho.



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The 1995 DOE/Navy Programmatic EIS described the available M-130, M-140, and M-160 shipping containers. (Volume 1, Appendix D, Attachment A) The 1995 PEIS did not compare the environmental merits of those containers or of any potential new MPC systems. Thus, we assert that the scope of the current Navy Draft EIS analyzing SNF container systems is inadequate. We urge that the Navy reconsider the scope of this container EIS.

Yours respectfully,

A handwritten signature in cursive script that reads "Robert F. Deegan".

Robert F. Deegan,

Nuclear Waste Issues Chairman

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Robert F. Deegan  
Sierra Club Virginia Chapter  
340 Ramapo Road  
Virginia Beach, VA 23462



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND  
2631 JEFFERSON DAVIS HWY  
ARLINGTON, VA 22242-6180

IN REPLY REFER TO

August 14, 1996

Mr. Robert F. Deegan  
Nuclear Waste Issues Chairman  
Sierra Club, Virginia Chapter  
340 Ramapo Road  
Virginia Beach, VA 23462

Dear Mr. Deegan:

Thank you for your letter of July 31, 1996 amplifying on comments which you previously supplied concerning the Navy's draft Environmental Impact Statement covering selection of a container system for the storage and shipment of post-examination naval spent fuel.

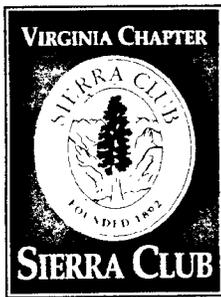
Your amplifying comments will be addressed in the final EIS. However, your comments suggest that there may be some misunderstanding concerning the scope of the subject EIS. Specifically, the comments request that the Navy consider the use of multi-purpose containers (MPCs) for the shipment of pre-examination naval spent fuel from shipyards to the Idaho National Engineering Laboratory. That is not the subject of the container system EIS. The Navy currently has a fleet of shipping containers which it uses to transport pre-examination naval spent fuel to INEL; we have no need to procure additional containers, thus there is no need to consider the use of MPCs or other containers for that purpose. By contrast, we have no containers available for shipment of post-examination naval spent fuel; hence, the proposed federal action covered in the subject EIS is to acquire such containers.

Even if a need were to arise to procure additional shipping containers for pre-examination naval spent fuel, the benefits which MPCs provide for some types of shipments - i.e., no need to unload and reload spent fuel from the internal canister - do not apply to shipments of pre-examination naval spent fuel, since such spent fuel must be unloaded at INEL for examination.

Thank you for your comments, and I hope that the information above is helpful.

Sincerely,

*Richard A. Guida*  
Richard A. Guida  
Associate Director  
for Regulatory Affairs  
Naval Nuclear Propulsion Program



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*John Muir*

August 21, 1996

Mr. Richard A. Guida  
Associate Director for Regulatory Affairs  
Naval Nuclear Propulsion Program  
2531 Jefferson Davis Highway  
Arlington, Va. 22242-5160

Dear Mr. Guida:

Thank you for your letter of August 14th concerning our comments on the Navy's Draft Environmental Impact Statement (EIS) for a Container System for the Management of Naval Spent Nuclear Fuel (SNF). We appreciate the close attention to our comments on the Draft EIS.

**B** The limitation on the scope of the EIS described in your two letters (7-24-96 and 8-14-96) would, in our view, bar the Navy in the future from (a) ever using any of the existing containers for future storage or shipment of "post-examination" SNF, and (b) ever using any of the newly procured containers for future storage or shipment of "pre-examination" SNF. We are puzzled that the Navy would be willing to place itself in that difficult position.

**C** Since the Navy did not hold scoping hearings on this EIS, nor issue an Implementation Plan prior to the Draft EIS, we urge that the Navy at this point reconsider and broaden the scope of this EIS as requested in our several comments.

All best wishes in your important work on behalf of the citizens of our country.

Yours respectfully,

A handwritten signature in cursive script that reads "Robert F. Deegan".

Robert F. Deegan

Nuclear Waste Issues Chair

Robert F. Deegan  
Sierra Club Virginia Chapter  
340 Ramapo Road  
Virginia Beach, VA 23462

Commenter: Robert F. Deegan, Sierra Club, Virginia

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Response to Comment:

- A. The Navy did not misunderstand the comment. In Chapter 1, Section 1.0 of the EIS. The proposed action of this EIS does not entail actual shipment to a repository or a centralized interim storage site. Rather such a shipment to a notional repository or centralized interim storage site is evaluated to help distinguish among the six container alternatives. As stated in the EIS, the proposed action is the selection of a container system for the management of post-examination naval spent nuclear fuel and Navy-generated special case waste. The proposed action also includes:
- Manufacturing the container system.
  - Loading, handling and storage of the container system at Idaho National Engineering Laboratory.
  - Modifications to the Expended Core Facility and the Idaho Chemical Processing Plant at Idaho National Engineering Laboratory to support loading the containers at Idaho National Engineering Laboratory.
  - Selection of the location of the dry storage area at Idaho National Engineering Laboratory.
  - Evaluating the impacts of transporting the container system to a representative or notional interim storage facility or repository and unloading the container system at that hypothetical location.

In evaluating alternatives for such a system, it is incumbent upon the Navy under National Environmental Policy Act to evaluate how the system affects ultimate transport to an interim storage facility or repository, since such an action is reasonably foreseeable.

As the Navy discussed in the letter dated August 14, 1996, the selection and use of a new container system for transporting pre-examination naval spent nuclear fuel from the shipyards to Idaho National Engineering Laboratory is not a reasonably foreseeable action. The containers currently used for this purpose exist in sufficient quantities and meet all applicable federal regulations, including valid Certificates of Compliance. The Navy is not proposing that these existing containers be replaced in the future; therefore, under National Environmental Policy Act regulations (40 CFR Part 1508), there is no major federal action requiring preparation of an EIS.

- B. The Navy agrees with the commenter that the use of any of the newly procured containers for future storage or shipment of pre-examination naval spent nuclear fuel is not covered by this EIS. Because pre-examination naval spent fuel is not within the scope of the EIS and a fleet of containers already exists for its shipment making procurement of additional containers for that purpose unnecessary. The commenter is incorrect in stating that the Navy cannot use any of the existing containers for future storage or shipment of post-examination spent nuclear fuel. Chapter 3, Sections 3.2 and 3.3 of the EIS clearly state that the No-Action and Current Technology/Rail Alternatives would make use of existing container designs (the M-130 and M-140 casks) for transportation of post-examination spent nuclear fuel.
- C. The Navy believes that it properly fulfilled the public involvement obligations of NEPA. Thus the EIS did not require another scoping process. In particular, the extent of public involvement is described in Section 1.0 of the EIS as follows:

"On October 24, 1994, the DOE published a Notice of Intent in the Federal Register (59 FR 53442) for a multi-purpose canister system for the management of civilian spent nuclear fuel.

Commenter: Robert F. Deegan, Sierra Club, Virginia

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As part of the public scoping process, the scope of the EIS for the multi-purpose canister system was broadened to include naval spent nuclear fuel. This determination was included in the Implementation Plan whose availability was announced in the Federal Register on August 30, 1995 (60 FR 45147). However, DOE has halted its proposal to fabricate and deploy a multi-purpose based canister system and has ceased preparation of that EIS."

"On December 7, 1995 the Department of the Navy published a notice in the Federal Register (60 FR 62828) assuming the lead responsibility for an Environmental Impact Statement Evaluating Container Systems for the Management of Naval Spent Nuclear Fuel. The Department of the Navy assumed lead responsibility from the Department of Energy and narrowed the focus of the EIS to include only naval spent nuclear fuel. The Department of Energy is now the cooperating agency rather than the lead agency in the preparation for this EIS."

"Despite the narrowing of the focus to only naval spent nuclear fuel and the change in lead agency, the range of the container alternatives being considered did not change."

With respect to the assertion that the Navy failed to publish an Implementation Plan, that is correct since such a plan is required only under DOE NEPA regulations, not those of the Navy.

The Navy considers that the process followed for completing this EIS is in full compliance with the National Environmental Policy Act and the implementing regulations of the Council on Environmental Quality.